

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
AK JAMES BONINI
CLERK

04 APR 28 PM 3:26

UNITED STATES OF AMERICA,

CASE NO. C-1-01-714

Plaintiff,

v.

JUDGE WEBER

George J. Fiorini II,

Defendant.

Affidavit of George J. Fiorini, II

Being duly sworn, affiant states:

CLAIM, FOR THE TRUTH OF THE OATH IS WITH THE CLAIM OF THE FACTS

MOTION TO WITHDRAW
AS COUNSEL (NOV.18,2003)

George J. Fiorini, II Response
To Motion: Statement Hearing

I, George J. Fiorini, II, come before this Court and ask that this Court find the charges brought against me and the manner in which they are being used to harass me and my family as unfair and cruel.

As this Court should know, the Government has been investigating me now for years and when they finally brought the original charges against me, they have yet to allow me my day in Court. Through a planned attack against me and by threatening my family with prosecution, they coerced a signing of a plea deal that I could never have sworn to before God or before this Court. When I didn't, which was my right, the prosecution again stepped up a harassment effort against me and my family.

The prosecution set out to have my bond revoked to place pressure on me to sign a plea. When Judge Weber denied that effort, then the prosecution called me back before a Grand Jury

and had me indicted for more counts.

Then the prosecution made this indictment a superseding indictment over the first charges. Then to add insult to injury, they now come before this Court to have my bond revoked with the hope of putting me in jail until I would break and sign their plea deal.

I ask this Court why, if I was ready and willing to go to trial on Nov. 18, 2003, and the Government had a case against me, did it not happen? The prosecutors will tell you that we didn't go because of the new and superseding indictments and that it was the cause of the delay. To that, I say that they are lying! How could a case that only happened four months ago supersede the counts in the past years? As this Court can see, they have nothing to do with the original charges and can have no worthwhile bearing in the outcome of that case, so, the obvious must be true. They don't have a case against me in the original charges and therefore are trying to use anything they can to force me to admit to something I did not do.

As for the new charges, I believe this Court can see that I did not create the Wellspring program. It was created over two years ago and I only started with them in the past few months. Also, if I were running what I knew to be a scam, I think even with the limited intelligence of the prosecutors they should have enough common sense to know that I would not have put ten thousand dollars of the money that my wife received from an inheritance into it. Not to mention the new cars that I supposedly coned three people into, which were my mother and two dear friends. No jury in this country would find me guilty of these charges and the prosecutors know it. All they wanted these charges for were to "con" this Court into putting me in jail until I sign a plea.

May I take this opportunity to let the prosecutors know that even if they try to put me in jail, I will not admit to something I did not do!

If this Court has any question as to a motive behind such sleazy tricks by the prosecutors the answer is simple. They have already sold property of mine before I have been found guilty of anything. Also, they sold my antique automobiles for several hundred of thousands of dollars less than they were worth. If I'm found "not guilty", how can they get them back to me

or at least make up for the loss in worth? I do plan to find out who bought them, just to see if

there is any impropriety in that area. The truth will come out because I have a national talk show host and political activist looking into my case as of this writing. His name is Larry Nichols and he is the man that brought out all the scandals against Bill Clinton. Mr. Nichols has assured me that he has enough of a case against the Government in my case to expose the prosecution of misdeeds in trying to force me into a plea for something I didn't do.

I ask this Court to find my treatment as cruel and unusual punishment and force the prosecutors to either try my case now or dismiss it.

To add to this injustice, my Counsel now wants off my case. I have expressed my dissatisfaction with my Court appointed Counsel because I do not believe he has acted in good faith to defend me. Without wasting this Court's valuable time with further comments on this matter, I think this Court can ascertain whether or not I have had fair representation in my case simply by asking my Counsel to turn over my file and then this Court can judge for itself as to whether I have been properly represented for my defense. (See exhibit A) I sent an urgent fax to Mr. Kelly Johnson as a reminder to have a motion filed in time for Judge Weber's deadline of November 3rd, 2003, in preparation for the November 18th trial date. On November 10th in Kelly Johnson's office, I asked Mr. Johnson for a copy of the motion that he filed for November 3rd. Mr. Johnson gave me a copy of the motion he said he filed. I then found out he had filed a motion for extension that he deliberately withheld from me. I have been deceived and deprived of my right for my speedy trial November 18th, 2003.

On the new charges against me, this Court should ask the prosecutors why they selectively chose to prosecute me and not the more than 22,000 other Wellspring customers that have been in the program much longer than I have been.

I humbly ask this Court for no special treatment, but I do expect fair and equitable treatment under the law.

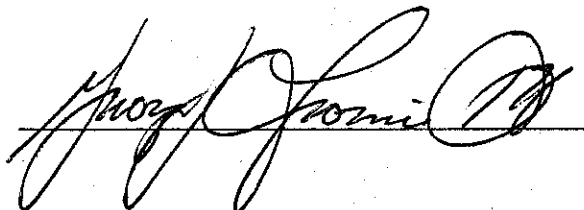
I George J. Fiorini II am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts, I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit please advise me IN WRITTEN AFFIDAVIT FORM within seven (7) days from receipt hereof, providing me with your counter affidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father, through the power and authority of the blood of his son be done on Earth as it is in Heaven.

BE IT ACKNOWLEDGED, that George J. Fiorini, II, the
Undersigned deponent, being of legal age does hereby depose and say under
oath as follows (or as set forth on the signed addendum annexed and incorporated
herein):

Witness my hand under the penalties of perjury this 24th day of November, 2003.

State of Ohio

County of Hamilton



Then personally appeared

Who acknowledged the foregoing, before me.

Melanie S. Thompson
Notary Public

My Commission Expires: June 16, 2004

1

FEDERAL PUBLIC DEFENDERS OFFICE

SOUTHERN DISTRICT OF OHIO - WESTERN DIVISION

36 EAST SEVENTH STREET, Suite 2000

CINT, OHIO 45202

EXHIBIT
A

ATT. KELLY JOHNSON

FAX: (513) 929-4842

DATE: Oct. 30, 2003

TIME: 2:57 PM

URGENT MEMO FROM:

George J. Fiorini

DEAR KELLY,

THIS NOTICE IS TO REMIND YOU THAT
JUDGE WEBER HAS SET A MOTION FILING
DEADLINE OF NOVEMBER 3RD, 2003. THAT IS
THIS COMING MONDAY! I AM CONCERNED
THAT AS OF OUR LAST MEETING ON FRIDAY
10/24/03 AT ABOUT 5:00 PM IN YOUR
OFFICE YOU HAD NOT BEGUN TO PREPARE
THE MOTIONS FOR MY DEFENSE AS
SPECIFIED BY JUDGE WEBER.

(2)

You wrote me a letter re: Scheduling Order, stating that "The Judge has also set a motion filing deadline of Nov. 3rd 2003 and a date for hearing any motions on the matter for Wednesday, Nov. 12th 2003 at 9:00 AM" Dated Oct. 6th 2003, so we both know that you have enjoyed ample time to prepare the proper motions.

Kelly, as an Assistant Federal Public Defender, paid to do their job properly by citizens of these United States, I expect you to defend me!! I urge you to be ready, able & willing to file every necessary motion and document required through laws

(3)

GOVERNING PROPER PROCEDURE AND FORM IN TIMELY MANNER FOR THE EXPRESS PURPOSE OF DEFENDING ME AND SUPPORTING MY PLEA OF NOT GUILTY! — TIME IS OF THE ESSENCE, KELLY!

I UNDERSTAND THAT YOU ARE STRESSED AND THAT IS WHY OTHER ATTORNEYS WHO ARE FAMILIAR WITH THIS HORRIFIC INJUSTICE VOLUNTEERED THEIR SERVICES TO YOU AT NO COST TO YOU. THEY OFFERED YOU ASSISTANCE TO AID IN THE PREPARATION OF MY DEFENSE BECAUSE THEY UNDERSTAND THIS CASE AND THEY REALIZED THAT TIME WAS IN SHORT SUPPLY.

KELLY, THEY OFFERED TO HELP AND YOU SAID "NO". YOU REJECTED THEIR OFFERS OF ASSISTANCE.

~~Asst. Secy~~
DUE TO THE FACT THAT THE GOVERNMENT
SEIZED ALL OF MY ASSETS, WHICH WERE IN
FACT ASSETS BELONGING TO LEGITIMATE
BUSINESSES AND NOT AVAILABLE FOR
FORFEITURE, BECAUSE THEY WANTED TO
MAKE SURE THAT I HAD NO FUNDS
AVAILABLE TO HIRE ADEQUATE COUNSEL
TO DEFEND MYSELF FROM THE
GOVERNMENT'S WRONGDOINGS - WELL
WE HAVE EACH OTHER - I've got you
AND you've got me, SO LET'S ROLL
UP OUR SLEEVES!!

PRESENT
IT
#1. - I AM INNOCENT AND WILL
(IT NOT A MOTION)
PREPARE A DOCUMENT REGARDING
MY STATEMENTS OF FACTS AND TRUTHS
FOR YOU TO SUBMIT TO THE COURT
ON MONDAY - NOV. 3RD - 2003

(5)

THAT WILL FREE YOU UP TO
PREPARE THE NECESSARY MOTIONS. -
I DON'T BLAME YOU FOR BEING
OVERWHELMED, BEING SUBJECTED TO ANY
STRANGER'S LIFE & BUSINESS COMPLICATIONS
IS MIND Boggling.

THE GOVERNMENT WANTS TO MAKE THIS
TOO DIFFICULT FOR ANY FURY TO
UNDERSTAND, TO CONFUSE THEM.

WHY DID PROCTER & GAMBLE SPONSOR
THE 1ST SOAPS? - TUNE IN - Bay Tide -
TO BE CONT. -... WHY DID Fiorini Agency
SPONSOR 10% INCOME PLUS PLAN WITH BOB
BRAUN - GOOD PEOPLE OFFERING GOOD
PRODUCTS TO GOOD PEOPLE.

Kelly, Bottom Line, I Am The
Good Guy, HAVE ALWAYS BEEN THE
Good Guy And Intend To Always BE
A Good Guy. In fact, Those Facts
Are PROBABLY why I was 'Set Up' IN
THE 1ST PLACE. Let's get TO WORK
You NEED TO PREPARE MOTIONS And you
know All motions NEED TO BE Accompanied
By A Memorandum of Points And
Authorities AS well AS STATEMENTS OF
FACTS, - In Addition To The motions
you are to prepare To DEFEND ME.
I want you to prepare And submit
TO THE COURT A motion For The
Production of Brady & Jencks material.

YLS

24th.

7

I Also Expect you to submit A Motion
to compel the production of relevant
Evidence And A Motion to Exclude non-
relevant Evidence. Submit A Motion
in Limine to ~~Preclude~~ certain
Evidence at Trial And object to
Any And All Tactics the Prosecution
might Resort to in order to
purposely Taint the Jury Against
ME. — Motions should be Entered
to Strike counts And to Sever counts
if the Government Attempts to join me
with Any person or Entity known to
have wrong doings. You Must submit
A Motion to Return seized property,

What
Evidence
is to
be
policed
What
Evidence

(P)

AND A MOTION TO DISMISS
INFORMATION FOR DESTRUCTION OF
EVIDENCE.

Kelly, WE HAVE LOTS OF WORK TO DO
IN A VERY SHORT PERIOD OF TIME -
BUT WE MUST!! I DID NOT MEAN
TO COMPLICATE YOUR LIFE BY REFUSING
THE PLSA AGREEMENT, BUT IT WOULD FORCE
ME TO PLACE MY HAND ON THE BIBLE
AND SWEAR A LIE UNDER DURESS BY
YOU, MY OWN ATTORNEY, AND THE
GOVERNMENT. I WILL NOT LIE AND COMMIT
PERJURY BY THE ACT OF SAYING THAT I
WAS GUILTY WHEN IN FACT I AM
INNOCENT.

My Personal Theological Ethics
And Professionalism Will not
permit me to Lie Before God,
my country And the Court,
Regardless of the Harassments,
Threats & Abuse Tactics that are
Being perpetrated upon my wife,
Children, Pastors, And Friends
Through Efforts of the Prosecution
who are driven as a result of their
own wrongdoings to attempt me
to succumb to their ill will.

Kelly, I note that on page 18
of the May 2003 Indictment

(10)

UNDER Forfeiture Allegation
IT STATES "UPON THE CONVICTION OF
THE DEFENDANT" "THE DEFENDANT
SHALL Forfeit" AND Lists property
THAT WAS SEIZED AND SOLD IN DEC.
2002, WHEN I WAS THROWN IN JAIL
FOR NOT DELIVERING DOCUMENTS, WHICH I
INDEED DID DELIVER THAT DAY AND YET
THEY WERE NOT USED. OBVIOUSLY WHEN I
WAS IN JAIL I COULD NOT STOP THE
WRONGFUL SALE OF THESE LEGITIMATE
ASSETS THAT WERE ASSETS BELONGING
TO A LEGITIMATE ENTITY. WE NEED TO
PREPARE A MOTION REGARDING THE
UNLAWFUL SEIZURE AND DETAILS ABOUT
THE SALE AND TRANSFER OF MY PROPERTY
AND THEIR WHEREABOUTS.

(11)

In fact the more I think
About this, the more "Foul Play"
I see. - It's the Government,
Alias the Prosecution who has
committed the crime - not me.

We need to prepare a MASSIVE
suit against the government -
starting with their unlawful sale
of my properties - And the case
of the missing \$500,000. Plus from
the sale of MAR-FAB, whom many
of the witnesses who's names you have,
and more coming, are aware of.

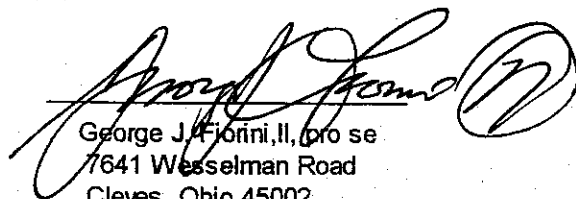
Thanks for your help

Sincerely, *George Scimmi*

P.S.
total
11 pages

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon
Judge Weber and Daniel J. Pieschel this ~~29th~~ day of April 2004.



George J. Fiorini, II, pro se
7641 Wesselman Road
Cleveland, Ohio 45002
Ph. (513) 353-9797
Fax. (513) 353-9747

